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24 UNITED STATES DISTRICT COURT  
25 DISTRICT OF NEVADA

26 COMPOSITE RESOURCES, INC.,  
27 Plaintiff,  
28 vs.  
RECON MEDICAL, LLC,  
Defendant.

29 Case No. 2:17-cv-01755-MMD-VCF

30 **STIPULATION AND ORDER TO  
31 EXTEND DISPOSITIVE MOTION AND  
32 PRETRIAL ORDER DEADLINES**

33 **(FIRST REQUEST)**

34 While the parties previously submitted a single stipulation to extend discovery and related  
35 deadlines, discovery has now closed and this is the first request to extend the dispositive and  
36 pretrial order deadlines specifically. Pursuant to LR IA 6-1 and LR 26-4, Plaintiff Composite  
37 Resources, Inc. (“CRI”) and Defendant Recon Medical, LLC (“Recon” and with CRI the  
38 “Parties”), by and through their respective counsel, for good cause shown, hereby stipulate and  
39 agree to extend the dispositive and pretrial order deadlines presently set in this matter.

1      **A.      Good Cause Exists for the Requested Extension in this Patent Litigation**

2      The dispositive motion deadline is presently set for July 30, 2018. However, no Claim  
3      Construction Order has issued from the Court. Without certainty as to the meaning of the terms  
4      and construction of the claims at issue in this matter it is virtually impossible for the Parties to  
5      draft meaningful motions for summary judgment. For example, if the Court defines a term or  
6      constructs a claim except in the way advocated by the drafting party, substantial portions of the  
7      briefing may be nonsensical or irrelevant. Beyond informing the language of the briefing, the  
8      Court's Claim Construction Order will substantially impact the contours of what remains in  
9      dispute.

10     Similarly, the pretrial order deadline is presently set for August 28, 2018. However, the  
11    Parties cannot meaningfully address the issues for trial before resolution of any dispositive  
12    motions that may substantially narrow or even resolve this matter. Furthermore, under LPR 1-  
13    19(b) the Parties must engage in a Post-Claim Construction Order Settlement Conference within  
14    thirty (30) days of entry of the Court's Claim Construction Order that once again may resolve this  
15    matter.

16     Accordingly, extension of both the dispositive motion and pretrial order deadlines will  
17    conserve the resources of the parties, serve the Court's purposes under Federal Rule of Civil  
18    Procedure 1 as well as judicial efficiency, and will not delay or otherwise impact the trial date.

19      **B.      Procedural Posture**

20     Pursuant to the Court's prior order the discovery cut-off has passed. ECF No. 81 at 3:27.  
21    No trial date has been set. *See* ECF No. 81 at 4:10-13.

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### C. Proposed Deadlines

## 1. Dispositive Motion Deadline

Current Deadline: July 30, 2018

**Proposed: 30 days after entry of the Court's Claim Construction Order.**

2. **Pretrial Order Cut-Off Date:**

Current Deadline: August 28, 2018

**Proposed: 30 days after entry of the Court's Order(s) resolving all timely filed dispositive motions.**

## D. Conclusion

The parties respectfully submit that good cause exists for an extension of the dispositive motion and pretrial order deadlines as stated herein. The extension sought will not impact the trial as a trial date has not yet been set. As such, the parties respectfully request that the Court amend its current Scheduling Order to accommodate the extension requested above.

## **ORDER**

IT IS SO ORDERED.

1. The new deadline to file dispositive motions shall be thirty (30) days after entry of the Court's Claim Construction Order.
2. The new deadline to file the pretrial order shall be 30 days after entry of the Court's Order(s) resolving all timely filed dispositive motions.

Dated this 19th day of July, 2018.



## UNITED STATES JUDGE

1 Dated: July 19, 2018.

2 DENKO & BUSTAMANTE LLP

3

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Dated: July 19, 2018.

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